

PETER N. PERRETTI, JR.
ATTORNEY GENERAL OF NEW JERSEY

By: Alan B. Rothstein
Deputy Attorney General
Division of Law, Room 335
1100 Raymond Boulevard
Newark, New Jersey 07102
Tel: (201) 648-2500

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF VETERINARY MEDICAL
EXAMINERS
CASE NO. 88-60

IN THE MATTER OF MUHAMED R. :

Administrative Action

EL-BANNA, D.V.M. :

CONSENT ORDER

This matter was opened to the Board of Veterinary Medical Examiners upon information that Muhamed R. El-Banna, D.V.M., performed a test for Equine Infectious Anemia, hereafter "Coggins" test, on or about January 13, 1988 and signed the name of Dr. Richard Klein in submitting the result of the test to the U.S. Department of Agriculture. The test was administered by Dr. El-Banna prior to his receiving accreditation to perform such.

Dr. El-Banna has explained that he purchased the Monmouth Equine Hospital and residence of Dr. Klein in September 1987. As part of the Contract of Sale, Dr. Klein agreed to stay on and introduce Dr. El-Banna to his equine practice. He specifically taught Dr. El-Banna how to perform the "Coggins" test and the two doctors together performed several such tests

MAR 17 1989

in October and November of 1987. Following the training period for said test, Dr. El-Banna applied to the proper agency for accreditation. Prior to receiving said accreditation, a Mr. Sergio Bello telephoned the Monmouth Equine Hospital asking to speak to Dr. Klein. When Dr. El-Banna explained that Dr. Klein was in Florida, Mr. Bello told Dr. El-Banna that Dr. Klein had previously tested his horses for Equine Infectious Anemia and that he had a horse that needed to be tested immediately. Mr. Bello represented that he was a close friend of Dr. Klein's and Dr. El-Banna explained to the Board that under those circumstances he performed the "Coggins" test as an accomodation to Mr. Bello and because of his relationship with Dr. Klein. Dr. El-Banna acknowledges that he signed Dr. Klein's name as the person who performed such test, even though Dr. Klein was not present when the test was given.

Dr. El-Banna has further acknowledged that it was improper for him to sign Dr. Klein's name without his actual permission to do so, even though he perceived that Dr. Klein would have approved of his assisting Mr. Bello in that manner. In addition, Dr. El-Banna acknowledges that it was improper for him to administer said test before receving accreditation to do such. The Board is satisfied that Dr. El-Banna properly administered said test, and because of this incident, such accreditation has not been finalized.

The parties desiring to resolve this matter and the Board being of the opinion that the interest of the public will be protected by entry of this Order,


MAR 17 1989

It is on this 20th of March , 1989 ORDERED:

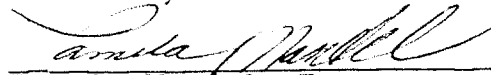
1. That the aforesaid conduct constitutes professional misconduct within the meaning of N.J.S.A. 45:1-21e;

2. That Dr. El-Banna pay a penalty of \$1,500 plus investigative costs in the amount of \$723.32; and

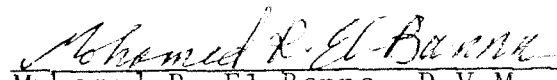
3. That the aforesaid sum totaling \$2,223.32 be paid in 4 equal monthly installments commencing upon execution of this Order.


Michael J. Hennessy, President
Board of Veterinary Medical Examiners

I consent to the form
and entry hereof.


Pamela Mandel, Esq.
Attorney for Muhamed R. El-Banna, D.V.M.

I have read and understand
the terms of this Order,
agree to be bound by
them, and consent to the
entry of this Order.


Muhamed R. El-Banna, D.V.M.

MAR 17 1989